UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/C.6/52/L.16
14 November 1997

ORIGINAL: ENGLISH

Fifty-second session
SIXTH COMMITTEE
Agenda item 150

ESTABLISHMENT OF AN INTERNATIONAL CRIMINAL COURT

Draft resolution proposed by the Chairman of the Sixth Committee

Establishment of an international criminal court

The General Assembly,

Recalling its resolutions 47/33 of 25 November 1992 and 48/31 of 9 December 1993,

Recalling also its resolutions 49/53 of 9 December 1994 and 50/46 of 11 December 1995,

Considering that, in its resolution 51/207 of 17 December 1996, it decided to reaffirm the mandate of the Preparatory Committee on the Establishment of an International Criminal Court, and decided also that the Preparatory Committee shall meet from 11 to 21 February, 4 to 15 August and 1 to 12 December 1997, and from 16 March to 3 April 1998, in order to complete the drafting of a widely acceptable consolidated text of a convention, to be submitted to a diplomatic conference of plenipotentiaries,

Recalling that, in its resolution 51/207, it further decided that a diplomatic conference of plenipotentiaries shall be held in 1998, with a view to finalizing and adopting a convention on the establishment of an international criminal court,

Recognizing the importance of concluding the work of the Conference through the promotion of general agreement on matters of substance,

Noting that, at its 51st meeting, on 21 February 1997,[1] the Preparatory Committee welcomed the proposal by the Government of Italy to hold the diplomatic conference in Rome and recommended to the General Assembly that, pursuant to Assembly resolution 51/207 and after consideration by the Committee on Conferences, a decision in accordance with such proposal should be made when dealing with the necessary arrangements for the conference, on the understanding that the organization of the conference in Rome would proceed on the basis of the usual practice concerning the funding of events of that kind taking place outside United Nations Headquarters or the seat of other United Nations offices,

Noting also the report of the Committee on Conferences,[2] in which the Committee recommended to the General Assembly that it should adopt the draft biennial calendar of conferences and meetings for 1998-1999 contained in the annex to the report,

Welcoming the steps undertaken, and the suggestions made, by the Government of Italy following its offer to host a conference on the establishment of an international criminal court in June 1998, including the proposal to hold such conference during the period from 15 June to 17 July 1998 at the headquarters of the Food and Agriculture Organization of the United Nations in Rome,

1. Accepts with deep appreciation the generous offer of the Government of Italy to act as host to the diplomatic conference of plenipotentiaries on the establishment of an international criminal court;

2. Requests the Preparatory Committee on the Establishment of an International Criminal Court to continue its work in accordance with General Assembly resolution 51/207 and, at the end of its sessions, to transmit to the conference the text of a draft convention on the establishment of an international criminal court prepared in accordance with its mandate;

3. Decides that the United Nations Conference of Plenipotentiaries on the Establishment of an International Criminal Court, open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, shall be held in Rome from 15 June to 17 July 1998, with a view to finalizing and adopting a convention on the establishment of such a court, and requests the Secretary-General to invite those States to the Conference;

4. Requests the Secretary-General to prepare the text of the draft rules of procedure of the Conference, to be submitted to the Preparatory Committee for its consideration and recommendations to the Conference, with a view to the adoption of such rules by the Conference in accordance with the rules of procedure of the General Assembly, and to provide for consultations on the organization and methods of work of the Conference, including rules of procedure, prior to the convening of the last session of the Preparatory Committee;

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[1] A/AC.249/1997/L.5, annex III.

[2] A/52/32.

5. Urges participation in the Conference by the largest number of States so as to promote universal support for an international criminal court;

6. Notes with appreciation the decision by the Secretary-General, pursuant to General Assembly resolution 51/207, to establish a trust fund for the participation of the least developed countries in the work of the Preparatory Committee and in the Conference, welcomes the decision by a number of States to make contributions to the Trust Fund, and encourages States to contribute voluntarily to the Fund;

7. Requests the Secretary-General to establish a trust fund for voluntary contributions towards meeting the cost of participation in the work of the Preparatory Committee and the Conference of those developing countries not covered by the Trust Fund referred to in paragraph 6, and invites States to contribute voluntarily to this trust fund;

8. Also requests the Secretary-General to invite the Conference representatives of organizations and other entities that have received a standing invitation from the General Assembly pursuant to its relevant resolutions[3] to participate, in the capacity of observers, in its sessions and work, on the understanding that such representatives would participate in the Conference in that capacity; and to invite, as observers to the Conference, representatives of interested regional intergovernmental organizations and other interested international bodies, including the International Tribunals for the former Yugoslavia and for Rwanda;

9. Further requests the Secretary-General to invite non-governmental organizations, accredited by the Preparatory Committee with due regard to the provisions of part VII of Economic and Social Council resolution 1996/31 of 25 July 1996, and in particular to the relevance of their activities to the work of the Conference, to participate in the Conference, along the lines followed in the Preparatory Committee, on the understanding that participation means attending meetings of its plenary and, unless otherwise decided by the Conference in specific situations, formal meetings of its subsidiary bodies except the drafting group, receiving copies of the official documents, making available their materials to delegates and addressing, through a limited number of their representatives, its opening and/or closing sessions, as appropriate, in accordance with the rules of procedure to be adopted by the Conference;

10. Decides to include in the provisional agenda of its fifty-third session the item entitled "Establishment of an international criminal court".

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[3] General Assembly resolutions 253 (III), 477 (V), 2011 (XX), 3208 (XXIX), 3209 (XXIX), 3237 (XXIX), 3369 (XXX), 31/3, 31/152, 33/18, 35/2, 35/3, 36/4, 42/10, 43/6, 43/177, 44/6, 45/6, 46/8, 47/4, 48/2, 48/3, 48/4, 48/5, 48/237, 48/265, 49/1, 49/2, 50/2, 51/1 and 51/6.

UNITED NATIONS **A**

General Assembly

Distr.
LIMITED

A/C.6/52/L.17
17 November 1997

ORIGINAL: ENGLISH

Fifty-second session
SIXTH COMMITTEE
Agenda item 145

UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

Czech Republic, Ghana, Lebanon, Portugal and Uruguay: draft resolution

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

The General Assembly,

Recalling paragraph 16 of its resolution 50/43 of 11 December 1995 and paragraph 14 of section IV of the annex to its resolution 51/157 of 16 December 1996,

Taking note with appreciation of the report of the Secretary-General on the implementation of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law[1] and the guidelines and recommendations on future implementation of the Programme which were adopted by the Advisory Committee on the Programme and are contained in section III of that report,

Bearing in mind that the encouragement of the teaching, study, dissemination and wider appreciation of international law is one of the main objectives of the United Nations Decade of International Law, as declared in its resolution 44/23 of 17 November 1989 and further reaffirmed and expanded in section IV of the programme for the activities for the first term (1990-1992), the second term (1993-1994), the third term (1995-1996) and the final term (1997-1999) annexed to resolutions 45/40 of 28 November 1990, 47/32 of 25 November 1992, 49/50 of 9 December 1996 and 51/157, respectively,

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[1] A/52/524.

Considering that international law should occupy an appropriate place in the teaching of legal disciplines at all universities,

Noting with appreciation the efforts made by States at the bilateral level to provide assistance in the teaching and study of international law,

Convinced, nevertheless, that States and international organizations and institutions should be encouraged to give further support to the Programme and increase their activities to promote the teaching, study, dissemination and wider appreciation of international law, in particular those activities which are of special benefit to persons from developing countries,

Reaffirming its resolutions 2464 (XXIII) of 20 December 1968, 2550 (XXIV) of 12 December 1969, 2838 (XXVI) of 18 December 1971, 3106 (XXVIII) of 12 December 1973, 3502 (XXX) of 15 December 1975, 32/146 of 16 December 1977, 36/108 of 10 December 1981 and 38/129 of 19 December 1983, in which it stated or recalled that in the conduct of the Programme it was desirable to use as far as possible the resources and facilities made available by Member States, international organizations and others, as well as its resolutions 34/144 of 17 December 1979, 40/66 of 11 December 1985, 42/148 of 7 December 1987, 44/28 of 4 December 1989, 46/50 of 9 December 1991 and 48/29 of 9 December 1993, in which, in addition, it expressed or reaffirmed the hope that, in appointing lecturers for the seminars to be held within the framework of the fellowship programme in international law, account would be taken of the need to secure representation of major legal systems and balance among various geographical regions,

1. Approves the guidelines and recommendations contained in section III of the report of the Secretary-General[1] and adopted by the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, in particular those designed to achieve the best possible results in the administration of the Programme within a policy of maximum financial restraint;

2. Also approves the establishment of the United Nations Audiovisual Library in International Law as proposed by the Secretary-General in paragraph 89 and the annex to his report;[1]

3. Authorizes the Secretary-General to carry out in 1998 and 1999 the activities specified in his report, including the provision of:

(a) A number of international law fellowships in both 1998 and 1999, to be determined in the light of the overall resources for the Programme and to be awarded at the request of Governments of developing countries;

(b) A minimum of one scholarship in both 1998 and 1999 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, subject to the availability of new voluntary contributions made specifically to the fellowship fund;

(c) Subject to the overall resources for the Programme, assistance in the form of a travel grant for one participant from each developing country, who would be invited to possible regional courses to be organized in 1998 and 1999;

and to finance the above activities from provisions in the regular budget, when appropriate, as well as from voluntary financial contributions earmarked for each of the activities concerned, which would be received as a result of the requests set out in paragraphs 14, 15 and 16 below;

4. Expresses its appreciation to the Secretary-General for his constructive efforts to promote training and assistance in international law within the framework of the Programme in 1996 and 1997, in particular for the organization of the thirty-second[2] and thirty-third[3] sessions of the International Law Seminar, held at Geneva in 1996 and 1997, respectively, and for the activities of the Office of Legal Affairs of the Secretariat related to the fellowship programme in international law and to the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, carried out, respectively, through its Codification Division and its Division for Ocean Affairs and the Law of the Sea;

5. Requests the Secretary-General to consider the possibility of admitting, for participation in the various components of the Programme of Assistance, candidates from countries willing to bear the entire cost of such participation;

6. Also requests the Secretary-General to consider the relative advantages of using available resources and voluntary contributions for regional, subregional or national courses, as against courses organized within the United Nations system;

7. Requests the Secretary-General to reconsider the programme budget for the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law for the next and the future bienniums with a view to strengthening and enhancing the Programme;

8. Welcomes the efforts undertaken by the Office of Legal Affairs to bring up to date the United Nations Treaty Series and the United Nations Juridical Yearbook as well as efforts made to place on the Internet the Treaty Series and other legal information;

9. Expresses its appreciation to the United Nations Institute for Training and Research for its participation in the Programme through the activities described in the report of the Secretary-General;

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[2] Official Records of the General Assembly, Fifty-first Session, Supplement No. 10 and corrigendum (A/51/10 and Corr.1), chap. VII, sect. F.

[3] Ibid., Fifty-second Session, Supplement No. 10 (A/52/10), chap. X, sect. H.

10. Also expresses its appreciation to the United Nations Educational, Scientific and Cultural Organization for its participation in the Programme through the activities described in the report of the Secretary-General;

11. Further expresses its appreciation to the Hague Academy of International Law for the valuable contribution it continues to make to the Programme which has enabled candidates under the international law fellowship programme to attend and participate in the Programme in conjunction with the Academy courses;

12. Notes with appreciation the contributions of the Hague Academy of International Law to the teaching, study, dissemination and wider appreciation of international law, and calls upon Member States and interested organizations to give favourable consideration to the appeal of the Academy for a continuation of support and a possible increase in their financial contributions, to enable the Academy to carry out its activities, particularly those relating to the summer courses, regional courses and programmes of the Centre for Studies and Research in International Law and International Relations;

13. Urges all States and relevant international organizations, whether regional or universal, to make all possible efforts to implement the goals and carry out the activities contemplated in section IV of the programme of activities for the final term (1997-1999) of the United Nations Decade of International Law, dealing with the encouragement of the teaching, study, dissemination and wider appreciation of international law and contained in the annex to its resolution 51/157;

14. Requests the Secretary-General to continue to publicize the Programme and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the financing of the Programme or otherwise to assist in its implementation and possible expansion;

15. Reiterates its request to Member States and to interested organizations and individuals to make voluntary contributions, inter alia, for the International Law Seminar, for the fellowship programme in international law, for the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea and for the United Nations Audiovisual Library in International Law, and expresses its appreciation to those Member States, institutions and individuals which have made voluntary contributions for this purpose;

16. Urges in particular all Governments to make voluntary contributions for the organization of regional refresher courses in international law by the United Nations Institute for Training and Research, especially with a view to covering the amount needed for the financing of the daily subsistence allowance for up to twenty-five participants in each regional course, thus alleviating the burden on prospective host countries and making it possible for the Institute to continue to organize the regional courses;

17. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the Programme during 1998 and 1999 and, following consultations with the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, to submit recommendations regarding the execution of the Programme in subsequent years;

18. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".

UNITED
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General Assembly

Distr.
LIMITED

A/C.6/51/L.17/Corr.1
18 November 1997

ORIGINAL: ENGLISH

Fifty-second session
SIXTH COMMITTEE
Agenda item 145

UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

Czech Republic, Ghana, Lebanon, Portugal and Uruguay: draft resolution

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

Corrigendum

Paragraph 7

For the existing text substitute

7. Requests the Secretary-General to continue to provide the necessary resources to the programme budget for the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law for the next and future bienniums with a view to maintaining the effectiveness of the Programme;

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